

Message Text

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ACTION L-03

INFO OCT-01 EA-07 ISO-00 SCA-01 JUSE-00 CIAE-00 DODE-00

PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 DEAE-00 IO-10 SNM-02 TRSE-00 OES-03

OMB-01 CAB-02 COME-00 DOTE-00 EB-07 FAA-00 SCCT-01

VO-03 /084 W

----- 064308

R 211024Z OCT 75

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 3113

INFO COMUSMACTHAI BANGKOK

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MACTHAI FOR JA

E.O. 11652: N/A

TAGS: PFOR, TH

SUBJECT: EXTRADITION TREATY NEGOTIATIONS--THAILAND

REF: A. STATE 234217 (R012331Z OCT 75)

B. BANGKOK 20030 (R231104Z SEPT 75)

SUMMARY: THE RTG IS PREPARED TO CONSIDER AMENDING THE EXISTING EXTRADITION TREATY TO COVER NARCOTICS OFFENSES. THAI LEGISLATION ON HIJACKING IS LACKING, SO INCLUSION OF THAT PROVISION WILL HAVE TO AWAIT ITS ENACTMENT. MACTHAI AGREES, WITH RESTRICTIONS, TO A MANDATORY EXTRADITION OF BOTH PARTIES' NATIONALS. ACTION REQUESTED: THAT DEPARTMENT SEND EMBASSY A DRAFT PROTOCOL TO THE U.S. THAI EXTRADITION TREATY WHICH

WOULD ADD NARCOTICS OFFENSES, ENTAIL MANDATORY EXTRADITION OF BOTH PARTIES' NATIONALS FOR NARCOTICS OFFENSES ONLY, AND EXTEND THE AGREEMENT TO COVER OFFENSES COMMITTED OUTSIDE THE LIMITED OFFICIAL USE

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JURISDICTION OF EITHER PARTY. END SUMMARY.

1. AN EMBASSY OFFICER MET WITH THE CHIEF OF MFA'S TREATY DIVISION, MONTRI CHALICHAN (JALICHANDRA), OCTOBER 3 AND PRESENTED THE SUBSTANCE OF REF A. MONTRI RESPONDED THAT THE RTG WOULD BE HAPPY TO CONSIDER AMENDING THE TREATY, AND INVITED US TO SUBMIT A PROPOSED PROTOCOL.

2. MONTRI SPECULATED THAT ADDING NARCOTICS OFFENSES TO THE EXISTING LIST OF EXTRADITABLE CRIMES WOULD PRESENT NO PROBLEMS. AS FOR HIJACKING, THE RTG HAS TRIED SEVERAL TIMES TO ENACT LAWS AGAINST IT, BUT DISSOLUTIONS OF PARLIAMENTS AND CHANGES OF GOVERNMENTS HAVE DERAILED THE PROCESS. THE MFA IS AGAIN WORKING ON THE MATTER, IN CONNECTION ALSO WITH LAYING THE GROUNDWORK FOR THAILAND TO ADHERE TO THE TOKYO, HAGUE AND MONTREAL CONVENTIONS ON AIR PIRACY. HOWEVER, THE TIMETABLE IS UNDETERMINED AT THIS TIME.

3. THE EXTENSION OF THE EXTRADITION AGREEMENT TO COVER OFFENSES COMMITTED OUTSIDE THE JURISDICTION OF EITHER PARTY WAS A NEW CONCEPT TO MONTRI WHICH HE SAID THE RTG WOULD BE WILLING TO STUDY IN DETAIL. IT IS UNCLEAR FROM REF A WHETHER THIS EXTENSITN WOULD PERTAIN ONLY TT NARCOTICS OR OTHER AGREED OFFENSES, OR TO THE TREATY'S ENTIRE LIST OF EXTRADITABLE CRIMES.

4. ON THE EXTRADITION OF ONE'S OWN NATIONALS, THAI TREATIES WITH OTHER COUNTRIES CONTAIN ONLY A DISCRETIONARY CLAUSE. ARTICLE 8 OF THE EXISTING U.S./THAI TREATY APPEARS TO BE SUCH A CLAUSE. MONTRI SAID, HOWEVER, THAT ALL THAILAND'S EXISTING EXTRADITION TREATIES DATE FROM BEFORE WORLD WAR II, AND ARE NOT NECESSARILY IN THE LATEST MOLD. HE ALSO SAID THAT THE ONLY COUNTRIES OTHER THAN THE U.S. WITH WHICH THAILAND HAS EXTRADITION TREATIES ARE THE U.K. AND BELGIUM. THAILAND AND MALAYSIA HAVE ALSO AGREED TO USE THE TEXT OF THE U.K. TREATY, WITHOUT MODIFICATION, AS A SEPARATE BILATERAL TREATY BETWEEN THEMSELVES. MONTRI INDICATED NO IMMEDIATE DISINCLINATION TO ENTERTAIN THE POSSIBILITY OF A MANDATORY CLAUSE.

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5. MACTHAI INFORMED THE EMBASSY OCTOBER 20 THAT IT IS IN FAVOR OF A MANDATORY RETURN CLAUSE LIMITED SOLELY TO NARCOTIC TRAFFICKING (AND LATER AERIAL HIJACKING) CASES. MACTHAI WOULD LIKE TO PRECLUDE THAI EXTRADITION REQUESTS FOR AMERICAN CITIZENS FOR BLACKMARKETING, BIGAMY AND OTHER SIMILAR OFFENSES. THESE MIGHT INVOLVE AMERICAN MILITARY PERSONNEL WHOM THE U.S. MILITARY WOULD PREFER TO PROSECUTE THROUGH COURTS-MARTIAL PRO-

CEEDINGS. MACTHAI CONCURS IN PROPOSING A MANDATORY
CLAUSE ON THE CONDITION THAT THE DEPARTME T COORDINATE
THIS MATTER WITH THE DOD GENERAL COUNSEL'S OFFICE.

6. THE EMBASSY LOOKS FORWARD TO RECEIVING THE DRAFT
PROTOCOL.
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